

Correspondence from Rodio & Brown Ltd.
Counsellors at Law

representing The Anchorage Inc., builder of the *Ethan Allen*

Five (5) pages total including this cover

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Rodio & Brown, Ltd.
COUNSELLORS AT LAW

October 12, 2005

By Federal Express

Mr. Robert Ford
Investigator in Charge
Office of Marine Safety
National Transportation Safety Board
490 L'Enfant Plaza East
SW Washington, DC 20594

Re: Dyer 40 Hull Nos. 7, 8, 9

Dear Mr. Ford:

As you know, we represent The Anchorage, Inc. in connection with the official investigation into the capsizing of the *Ethan Allen* on Lake George in New York State on October 2, 2005. In connection with the official investigation of the National Transportation Safety Board ("NTSB"), you have asked The Anchorage to produce to the NTSB its files, including available drawings, pertaining to the vessels known to The Anchorage as Hull Nos. 7, 8 and 9.

As we have discussed, The Anchorage stands ready to cooperate with the official investigation and hereby produces the enclosed documents, subject to the protections for confidential and proprietary documents afforded by the Code of Federal Regulations and further subject to the agreement by Scarano Boat Building, Inc. ("Scarano") that it will not use any of The Anchorage's documents other than in connection with the NTSB investigation. We understand that you will send us a copy of a letter from Scarano to that effect. If the NTSB, Scarano, or any other party or investigative authority is to have access to The Anchorage's documents, we would like to have advance notice and an opportunity to comment and/or object to the disclosure or use of the documents.

The hull line drawings, in particular, are confidential and proprietary documents and we expect that their confidentiality will be preserved. We have stamped these documents confidential to that end. We also understand from you that any documents we produce that the NTSB does not need for its investigation will not be placed in the docket, will not be made available to the public and will be destroyed.

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We have been advised that the *Ethan Allen* is Hull No. 7. The Anchorage delivered Hull No. 7 (named *Double Dolphin* by the original buyer) to Whaling City Dredge & Dock Corp. in July 1964 (see Invoice 13106 dated July 16, 1964). At the buyer's request, The Anchorage was responsible for only the hull and deck, fuel tank installation and rudder installation on Hull No. 7. The buyer completed the rest of the boat. The boat was an open design, seating 48 passengers, plus one helmsman. We have included copies of pictures developed in July 1964 that depict Hull No. 7 in its condition when it was delivered to Whaling City.

At the buyer's request, in 1966, The Anchorage built Hull Nos. 8 and 9 in the same manner as the buyer had completed Hull No. 7 (see Whaling City/ Anchorage contract dated January 31, 1966). Those boats also were open designs, seating 48 passengers and were delivered in April and May 1966. Their original names were the *Sea Horse* and *Sea Lion* (see Whaling City letter dated February 18, 1966, identifying their Connecticut registration numbers). Again, we have included copies of pictures showing these boats as completed. It appears that most of these photos were taken in Groton, Connecticut and were provided to The Anchorage by Whaling City. One photo appears to show one of the latter two boats being launched in Rhode Island.

By contract, The Anchorage was not responsible for performing any stability tests on Hull No. 7 and, of course, could not have been responsible since the boat was delivered partially completed to the owner. We do not have any information on whether Whaling City or the Coast Guard conducted stability tests on Hull No. 7 in Groton after the owner completed the boat.

The Coast Guard's March 1, 1966 letter indicates it will soon perform stability testing on the three boats, and notes that Hull No. 7 was certificated in New London. It refers to "simple" stability testing to be performed on Hull No. 7 in Groton in 1966. The Anchorage's April 7, 1966 reply notes that stability testing and ballasting were not within the scope of its contract for Hulls 8 and 9, but was to be taken care of by the buyer upon delivery to Groton, Connecticut. Other documents in the files also indicate that stability testing was the responsibility of the owner. We have discovered no information on whether the Coast Guard actually conducted the testing referenced in its March 1, 1966 letter, but we would not expect to find this information in our files.

As I explained in our telephone conversation, the hull line drawing sheet is a 1975 tracing from the original drawing used for Hull No. 7, which drawing dates back to 1959. We assume the 1975 tracing is identical to the original, but have made no independent investigation in that regard. We have included the original drawing, but it is faded to the point of illegibility in places. Please also note that the original 1964 construction drawings for Hull No. 7 were reused and revised to build Hull Nos. 8 and 9 in 1966 since the owner wanted Hull Nos. 8 and 9 to be substantially identical to Hull No. 7. The plans are noted as revised, and were again approved by the Coast Guard in 1966.

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We believe it is important that The Anchorage's documents be reviewed and considered in context. If there are questions that your review of the documents raises, we invite you to ask us about them so that we can clarify to the best of our ability. The documents we are producing are:

- Hull Line Drawing # 218 dated 9/16/59 (faded)
- Hull Line Drawing # 218 traced 10/15/75 (legible)
- Construction Details Sheet # 1 dated 3/23/64 (approved by Coast Guard 3/31/64) [for Hull No. 7]
- Construction Details Sheet # 2 dated 3/25/64 (approved by Coast Guard 3/31/64) [for Hull No. 7]
- 100 Gal. Fuel Tank & Instal. Detail dated 5/1/64 (approved by Coast Guard 3/1/66) [for Hull Nos. 8, 9]
- Construction Details dated 3/23/64, Revised 2/19/66 to Show Seating, Railings, Coaming Detail, Location of Hardware & Fittings, and Helmsman's Station (approved by Coast Guard 3/1/66) [for Hull Nos. 8, 9]
- Piping & Elec. Arrangement Drawing dated 2/21/66 (approved by Coast Guard 3/1/66) [for Hull Nos. 8, 9]
- Construction Details dated 3/25/64, Revised 2/19/66 to Show Fuel Tank Installation, Relocation of Forward Hatch, and Deck Levels in After Cabin (approved by Coast Guard 3/1/66) [for Hull Nos. 8, 9]
- Outboard Profile dated 2/21/66 (approved by Coast Guard 3/1/66) [for Hull Nos. 8, 9]
- Hull No. 7 file (as maintained at The Anchorage) (27 sheets; 37 pages)
- Hull Nos. 8 and 9 file (as maintained at The Anchorage, except that 2 letters to and from corporate counsel relating to contract negotiation dated January 26, 1966 and January 27, 1966 have been withheld as subject to attorney client privilege) (58 sheets; 60 pages)
- Loose documents pertaining to one or more of the three hulls but not specifically pulled from the files for Hull Nos. 7, 8, 9 (13 sheets; 15 pages)
- Photographs (12 sheets) (believed to all be of Hull Nos. 8, 9 with possible exception of photo with waving passengers and pilot heading toward highway bridge with Whaling City stamp on reverse)

The documents we are producing include photographs from the 1964-66 time frame that show the boats as they were initially constructed. The NTSB may find these helpful in comparing the way the boats are today, as they have been shown in the media. The Anchorage has a number of other drawings relating to Hulls 7, 8 and 9 that we have not copied and produced. These documents are unstamped copies of the approved construction drawings that appear to have been used by the shop. Most of the drawings are for Hull Nos. 8 and 9.

Please note that The Anchorage has no information about the boats after 1966, including information about any changes to the boats made after that time, nor does

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The Anchorage know anything about the use, operation or maintenance and service history of the boats since 1966 other than what has been reported in the media.

I hope this information and the enclosed documents are useful to you. Please let me know if you need anything further. If we can clarify anything or answer specific questions, please contact me.

Very truly yours,

A large, dark, irregular redacted area covering the signature of Gardner H. Palmer, Jr.

Gardner H. Palmer, Jr.

GHP, Jr.
Enclosures

cc: Theodore F. Jones (w/o enc.)